

## UNIVERSITY COMMITTEE ON PRIVILEGE &amp; TENURE (UCPT)

Minutes of Meeting  
February 25, 2019

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**I. Chair's Comments/Updates**

*Adebisi Agboola, UCPT Chair*

Chair Adebisi Agboola thanked everyone for coming to the meeting today, and welcomed the members to the meeting.

**II. Consent Calendar**

Approval of November 9, 2018 UCPT meeting minutes and today's agenda.

**III. Roundtable: Reports from the Divisions**

Members reported on P&T matters within their divisions.

**IV. Systemwide Review Item**

[Proposed Revisions to the SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty, and the Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel PDF](#) (Comments due March 13, 2019)

UCPT members were mainly concerned with the newly proposed sections:

**IV.D. Title IX Officer Consultation for Senate and Non-Senate Faculty**

*In all cases where the Title IX investigation has found a Senate or non-Senate faculty respondent responsible for violating the SVSH Policy, the Chancellor or Chancellor's designee will consult with the campus Title IX Officer on how to resolve the matter, including the appropriate discipline or other corrective measures.*

**V.C. Process Following the Filing of a Senate Charge**

*Within 14 calendar days of receiving ~~Following receipt~~ of the recommendation from the Academic Senate's Privilege & Tenure Committee, in accordance with APM-016 and other applicable procedures, the Chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty who has tenure or security of employment. As stated in APM-016, "Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor." (APM-016, Section II.6.) Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.*

These changes has to do with the recommendations to the President from the California State

Auditor (CSA). UCPT members were concerned that the timing of certain aspects of the procedures is unclear. Members also expressed considerable concern with the requirement that the Chancellor (or Chancellor's designee) consult with the Title IX Officer (IV.D). The term 'consultation' is not defined, and it is unclear what is meant. In addition, the Committee felt that Section IV.D. appears to place too much power in the hands of the Title IX Office, because the Title IX Office both determines probable cause and plays a role in determining potential discipline.

Next steps: UCPT members send comments to UCPT Analyst Jocelyn Banaria ([Jocelyn.Banaria@ucop.edu](mailto:Jocelyn.Banaria@ucop.edu)) by March 5, 2019.

## **V. Consultation with Academic Personnel**

*Susan Carlson, Vice Provost – Academic Personnel & Programs*

*Pamela Peterson, Executive Director & Deputy to the Vice Provost – Academic Personnel & Programs*

Vice Provost Carlson and Executive Director Peterson provided information and updates on academic personnel issues.

### Working group on privilege and responsibilities of non-faculty academic personnel.

This issue was brought up in Fall 2018 during the negotiations with the librarians. Academic Personnel Manual (APM) 010 specifically describes faculty. For students, they have the right to intellectual inquiry. For other groups, there is no policy.

In January 2019, UC Provost Michael Brown appointed a working group to examine the privilege and responsibilities of non-faculty academic personnel. This small group has met since January 2019 and is chaired by UC Santa Cruz Chancellor George Blumenthal and Academic Senate Chair Robert May, and Vice Provost Carlson is on the group. Robert Post, who was the primary author of the current Academic Freedom Policy (APM 010), is a consultant to this working group. Consultations occurred with the Librarians Association of the University of California (LAUC), post docs, research offices, academic personnel offices, and the UC Davis Federation, which has non-faculty academic personnel. The plan is to circulate a draft policy in Spring 2019 for a single-systemwide review.

Discussion followed concerning the inclusion of systemwide personnel, such as the UC Division of Agriculture and Natural Resources (ANR) and the fact that many other institutions have very broad definitions of academic freedom.

The President allocated new monies for faculty diversity in fall 2018 totaling \$7.1 million/annually, which would be divided into:

- \$2.1 million for the graduate level, specifically historically black colleges and universities (HBCUs);
- \$2 million for the UC President's Postdoctoral Fellowship Program (PPFP); \$2 million for the Advancing Faculty Diversity program; this was funded from the California State Legislature for the past 3 years; and
- \$1 million for retention and academic climate.

Discussion followed on how the Legislature defines diversity. Legislators are unhappy with

numbers according to gender and underrepresented ethnic groups (URMs), such as African Americans, LatinX, and Native Americans at the ladder-rank faculty level. Vice Provost Carlson will send Analyst Jocelyn Banaria the relevant handout.

## **VI. Issues concerning administrative sanctions**

*Robert May, Academic Council Chair*

Chair May described a number of issues that have arisen in the course of early resolution (between an accused faculty member and the administration) of disciplinary cases prior to formal charges being filed with Divisional P&T Committees. He also discussed the possibility of producing guidelines concerning potential sanctions for certain violations of the Faculty Code of Conduct. If these issues are a concern to UCPT, they may be brought up to Council via a letter from UCPT Chair Agboola to Council Chair May.

## **VII. Consultation with Office of General Counsel – Health Affairs**

*Robert May, Academic Council Chair*

There was discussion of cases involving potential violations of the Faculty Code of Conduct within UC medical schools. It was pointed out that, as a majority of health sciences professors are not members of the Academic Senate, most of these cases do not in fact fall within the purview of P&T, but of e.g. the State Medical Board.

## **VIII. Update from Senate Leadership**

*Robert May, Academic Council Chair*

Elsevier negotiations – During the negotiations, there was discussion of no access to new Elsevier materials and no site license going forward. The University Librarians (ULs) are working on obtaining access to requested articles and publications through inter-library loan and other methods. There have been campus town halls on this topic to provide updates.

Standardized Testing Task Force – This task force of 17-18 individuals of the Academic Council was created at the President's request to have an examination of the use of standardized tests on undergraduate admissions, specifically the SAT and ACT. A progress report will be presented to Senate Chair May at the end of the academic year.

Provost's Task Force on Academic Freedom of non-Faculty of Academic Appointees – The topic of Academic Freedom was brought up by represented librarians earlier this year. Senate Chair May is co-chairing this task force with Santa Cruz Chancellor Blumenthal. The goal is to have a new policy defining academic freedom for members of the UC community other than members of the Academic Senate.

Senate Bylaw 336 – If the proposed revisions are not leading to proper due process, then it will be revisited. Regarding additional resources, a letter was sent from UCPT Chair Agboola to Council Chair May. The President is aware that additional resources are needed to implement the shorter timelines.

## **IX. Executive Session**

## **X. Consultation with Systemwide Title IX**

*Suzanne Taylor, Interim Systemwide Title IX Coordinator*

The main topic of discussion concerned the proposed revisions to the sexual violence and sexual harassment (SVSH) investigation and adjudication framework for Senate and non-Senate faculty, and the investigation and adjudication framework for staff and non-faculty personnel, which are currently out for review. Comments are due on March 13, 2019.

<https://senate.universityofcalifornia.edu/files/underreview/senate-review-svsh-frameworks.pdf>

The Request for comments are for the following two specific areas, not the entire document:

1. Require the Chancellor or Chancellor's designee to consult with their Title IX Officer on discipline for faculty, staff, and non-faculty academic personnel found in violation of the SVSH Policy, and
2. Require the Chancellor to issue a final decision about discipline for Senate faculty within 14 days of receiving a recommendation from the Privilege and Tenure Committee.

The Committee had a large number of questions, mainly concerning (1) above. Some of the main points that were covered by Coordinator Taylor are as follows:

- One of the reasons for the consultation in (1) above is that the auditor would like one person to have the broad picture of the types of behavior and the types of consequences that might be appropriate. Title IX can provide perspective on how serious a particular violation is in relation to other behavior, and what a typical outcome might be for a particular violation.
- The consultation should take place before charges are filed with P&T, but campuses otherwise have flexibility in determining at which point in the process the consultation should occur. For example, the consultation may take place before or after the Peer Review Committee issues a recommendation. The Chancellor is not required to consult with the Title IX Office after receiving a recommendation from P&T.
- Coordinator Taylor stressed that the Chancellor is obliged merely to consult with the Title IX Office. Nevertheless, some members of UCPT are concerned that the language used in the Frameworks suggests rather more than this. UCPT is also concerned about the issue of the Title IX Office both determining probable cause and having a voice as to what appropriate discipline should be.
- One of the purposes of the Frameworks is to avoid different campuses having very different sanctions for similar violations. While there are currently no guidelines concerning what potential sanctions should be, the University Committee on Faculty Welfare (UCFW) proposed that such guidelines should be developed. Coordinator Taylor offered her assistance to the Senate with the process of drafting guidelines.

## **XI. Consultation with Attorney Advisor to UCPT**

*Cynthia Vroom, Office of General Counsel*

*Minutes are not taken during consultation with the Office of General Counsel.*

**XII. Future Items**

- A.** Invite Sharon Inkelas for the next meeting
- B.** Checklist for Senate Bylaw 336